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[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

III.—MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT :—" I have to announce to the House that the following messages, dated Fort St. George, the 7th April 1947, received by me from the Hon. the Speaker of the Madras Legislative Assembly: -

'(1) In accordance with rule 94 of the Madras Assembly Rules I transmit a copy of the Bar Councils and Legal Practitioners (Madras Amendment) Bill, 1947 (L.A. Bill No. 11 of 1947) as passed by the Assembly on the 17th April 1947 and signed by me for the concurrence of the Council.

(2) In accordance with rule 94 of the Madras Assembly Rules I transmit a copy of the Criminal Tribes (Madras Repeal) Bill, 1947 (L. A. Bill No. 12 of 1947) as passed by the Assembly on the 17th April 1947 and signed by me for the concurrence of the Council.' "

IV.—GOVERNMENT BILLS.

(1) THE BAR COUNCILS AND LEGAL PRACTITIONERS (MADRAS AMENDMENT) BILL, 1947 (L.A. BILL NO. 11 OF 1947).

THE HON. DR. P. SUBBARAYAN :—" Sir, I move—

'*that the Bar Councils and Legal Practitioners (Madras Amendment) Bill* [a], 1947 (*L.A. Bill No.* 11 *of* 1947) *as passed by the Legislative Assembly be taken into consideration at once.*'

" A Bill of this kind was introduced in the Central Assembly some years ago by my friend Mr. T. T. Krishnamachari but as there was no time at that time that Bill was not proceeded with. A similar Bill of that type has been given notice of in the Central Assembly. Now the Government felt that as far as this Province is concerned as we have the power under the Concurrent Legislative List to amend this Act, the Act may be amended in order to help those who held various political opinions. Decisions of various High Courts on this matter have differed also. For instance, the then Chief Justice of Bombay said that no one should suffer for political opinions sincerely held and therefore practitioners in Bombay who were guilty of such offences were not debarred but owing to different decisions of this High Court some practitioners have been debarred and it is to put them back into the same position, that this Bill has been brought up.

" There is a second matter which the High Court themselves wanted and that was that while practitioners of other High Courts are entitled to practise before the various Subordinate Courts in this Province but when disciplinary action comes into consideration the High Court, though they can take action against any practitioner who has been enrolled as an advocate of this High Court, have no jurisdiction over those practitioners who practice in various subordinate courts but who have been enrolled in other High Courts in this country. The High Court naturally feels that

[a] Printed as Appendix I on pages 644–645 infra.

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there should be one body which can take disciplinary action against all practitioners that practice in the High Court or in the Subordinate Courts in this Province and therefore a clause has been added to give this jurisdiction to our High Court.

"These are the two main points of this Bill, Sir, and I hope the Council will take it into consideration and pass it into law."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" Mr. President, I rise to support the Bill. The provisions of the Bill are necessary and salutary. All will agree on the question of the need for the provisions of the Bill; but I have to say a few words about a few sentences occurring in the Statement of Objects and Reasons. There has been a general feeling on the part of many members of the bar that legal practitioners who are not guilty of offences involving moral turpitude should not be debarred from practising, that is, that disciplinary action should not be taken against such people. I am glad that this Bill has been brought up by the Government so that persons who are not guilty of such offences are not debarred. But the motive of Government in bringing this measure seems to be not that all persons should be free."

THE HON. DR. P. SUBBARAYAN :—" As a matter of personal explanation the hon. Member may be saved the trouble of dealing with the question if I submit that he would have noticed that there is no reference in the Bill to 1942 at all. It refers only to political opinions held and therefore it covers all cases."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" I can assure the Hon. Minister that I have read the Bill and I know there is no reference to the year 1942 in the Bill. But my complaint is against the Statement of Objects and Reasons. There it is said that the object of the Bill is to carry into effect the present policy of the Government that no person who took part in the 1942 movement should suffer in any way."

MR. PRESIDENT :—" May I point out to the hon. Member that he knows that the Statement of Objects and Reasons does not form part of the Bill and that he need not be worried over it."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" Sir, the Statement of Objects and Reasons is placed in our hands and we are entitled to comment on it as to what is behind the mind of the Government."

MR. PRESIDENT :—" That only tells you the immediate necessity for the Bill. That is all. In its application, it applies to every body."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" I wish to point out that though we are agreed over the provisions of this Bill and we support it whole-heartedly, we do not support the Objects and Reasons given for this Bill because therein they have enunciated their present policy with regard to the movement of 1942. You know that, so far as the Muslims of this country are

concerned, they have not been in the movement in any way nor have they supported it in any way as they have their own opinion on this question. The support that I am giving to the Bill should not be taken to mean that we the Muslims of this country agree in any way with the objects of the movement of 1942 or in any way associate ourselves with the activities of the people who took part in that movement of 1942. I wish to make that point clear."

The motion was put and carried and the Bill was taken into consideration.

Clauses 2, 3, 4, 5 and clause 1 were put and carried.

The Preamble was put and carried.

THE HON. DR. P. SUBBARAYAN :—" Mr. President, I move that the Bill be passed into law."

The motion was put and carried and the Bill was passed into law.

(2) THE CRIMINAL TRIBES (MADRAS REPEAL) BILL, 1947 (L.A. BILL NO. 12 OF 1947).

THE HON. DR. P. SUBBARAYAN :—" Mr. President, I move—

> ' *that the Criminal Tribes (Madras Repeal) Bill, 1947 (L.A. Bill No. 12 of 1947)* [a], *as passed by the Assembly be taken into consideration at once.*'

" This matter has a fairly long history. The classes that are concerned with this Bill feel rather strongly that a slur has been cast upon them. Of course in the old days when communications were hard and police stations were fewer, it was difficult to apprehend some offenders and so people belonging to certain classes who were generally described as having criminal tendencies were put under restraint by means of the provisions of this Act. Now, there is a feeling that there is more order and more peace and that a particular community or communities should not have a slur cast upon them by this wholesale stigma placed upon them. After full consideration, the Government felt that it would be better to repeal this Act and find some other methods or use the ordinary processes of the law for dealing with these classes of people. That is the reason for this Bill and I hope the House will take the Bill into consideration and pass it into law when the time comes."

* SRI R. SURYANARAYANA RAO :—" Mr. President, I am sure almost all the members of this House would congratulate the Government on bringing forward this Bill. I wish the Hon. Minister for Home Affairs had explained to the House why the provisions of the Bill as published in the Gazette under Rule 73 of the Madras Legislative Council Rules differ from those of the

a Printed as Appendix II on page 645 infra.